

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. C-09-468-1
	§	
MARIA DE LA LUZ HERRERA	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The defendant was driving a car which contained an undocumented minor child. The defendant encouraged the child to pretend to be asleep and to lie to agents. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant had been placed on felony probation only one week before committing this offense, reflecting that she is either unwilling or unable to comply with court-ordered conditions of release. In addition, the defendant has a business in Mexico which would give her a place to flee and a source of income. The defendant is a poor bond risk.

The defendant is committed to the custody of the Attorney General or his

designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 3rd day of June, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE